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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/269,837	04/26/99	JONES	C 6313-63761

TIMOTHY E NIEDNAGEL
BOSE MCKINNEY & EVANS
135 N PENNSYLVANIA STREET
SUITE 2700
INDIANAPOLIS IN 46204

MMC2/0907

EXAMINER

WINSTEDT, J

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

09/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/269,837

Applicant(s)

Jones

Examiner

Jennifer Winstedt

Group Art Unit

2872



☒ Responsive to communication(s) filed on 7/21/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-21 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 4/26/99 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Election/Restriction

1. The restriction requirement is withdrawn.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4[✓]V and 3[✓]U.

Correction is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 7[✓]A, 1[✓]G, 1[✓]H, and 3[✓]F.

Correction is required.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

5. The disclosure is objected to because of the following informalities:

✓page 13, line 32, "VPC 3E" should be "VPC 3C";

✓page 17, line 9, "switch 4V" should be "switch 4U"; and

✓page 17, line 31, "eyepiece components 3U" should be "eyepiece components 3J".

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Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 3, 4, 5, 6, 9, 10, 11, 18, 19, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the phrase “an axis common to the left and right lenses of the viewer” in lines 3-4 of the claim is indefinite. An axis common to the left and right lenses of the stereoscopic viewer has already been recited above. It is uncertain whether or not the axis common to the left and right lenses found in lines 3-4 is the same as the axis common to the left and right lenses recited above. Also, the phrase “a viewing configuration” in line 5 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 5 is the same as the viewing configuration recited above. Since claims 3-6 are dependent on claim 2, they inherit this rejection.

In claim 3, the phrase “a viewing configuration” in line 5 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 5 is the same as the viewing configuration recited above.

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In claim 4, the phrase “a viewing configuration” in line 5 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 5 is the same as the viewing configuration recited above.

In claim 5, the phrase “a viewing configuration” in lines 7-8 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in lines 7-8 is the same as the viewing configuration recited above.

In claim 6, the phrase “a viewing configuration” in line 4 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 4 is the same as the viewing configuration recited above.

In claim 9, the phrase “an axis common to the left and right lenses of the viewer” in lines 4-5 of the claim is indefinite. An axis common to the left and right lenses of the stereoscopic viewer has already been recited above. It is uncertain whether or not the axis common to the left and right lenses found in lines 4-5 is the same as the axis common to the left and right lenses recited above. Also, the phrase “a viewing configuration” in lines 6-7 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in lines 6-7 is the same as the viewing configuration recited above. Since claim 19 is dependent on claim 9, claim 19 inherits this rejection.

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Claim 10 recites the limitation "the independently adjustable left and right occluding apertures" in lines 3-4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the independently adjustable left and right lenses" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

In claim 18, the phrase "a viewing configuration" in lines 3-4 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in lines 3-4 is the same as the viewing configuration recited above.

In claim 20, the phrase "an axis common to the left and right lenses of the viewer" in lines 3-4 of the claim is indefinite. An axis common to the left and right lenses of the stereoscopic viewer has already been recited above. It is uncertain whether or not the axis common to the left and right lenses found in lines 3-4 is the same as the axis common to the left and right lenses recited above. Also, the phrase "a viewing configuration" in line 5 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 5 is the same as the viewing configuration recited above. Since claim 21 is dependent on claim 20, claim 21 inherits this rejection.

In claim 21, the phrase "a viewing configuration" in line 3 of the claim is indefinite. A viewing configuration has already been recited above. It is uncertain whether or not the viewing configuration found in line 3 is the same as the viewing configuration recited above.

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Claim Rejections - 35 U.S.C. § 103

8. Claims 1, 2, 3, 4, 11, 12, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al.

Regarding claim 1, Bierstadt discloses a stereographic device comprising a content support portion configured to position and support stereographic content (see Figures 1 and 2); a stereoscopic viewer (B, Figures 1 and 2); a viewer pivotal chassis configured to couple the stereoscopic viewer to the content support portion so that the viewer pivotal chassis is interposed between the stereoviewer and the content support portion (A, Figures 1 and 2); the viewer pivotal chassis including a plurality of axes parallel to an axis common to left and right lenses of the stereoscopic viewer (see Figure 2); the viewer pivotal chassis configured with the parallel axes to enable the viewer to be movable in a linear direction perpendicular to the stereoscopic lens axis (see Figure 2), within a focal plane and at a focal length determined by the user, relative and parallel to the stereoscopic content positioned with the content support portion when configured into a viewing configuration (see Figure 2). Bierstadt does not disclose the stereoscopic viewer being configured to enable interocular adjustment, including adjustable left and right viewpoint lens arrangements, and adjustable occluding apertures configured to enable right stereographic content to be occluded from the left eye viewpoint and left stereographic content to be occluded from the right eye viewpoint, respectively, the adjustable lens arrangements and occluding apertures configured to enable interpupillary alignment relative to the stereoscopic content

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positioned and supported with the content support portion when conformed into a viewing configuration. Stevens discloses a stereoscopic viewer configured to enable interocular adjustment (see Figure 3), including adjustable left and right viewpoint lens arrangements (d, F, Figures 2 and 3); the adjustable lens arrangements configured to enable interpupillary alignment relative to stereoscopic content positioned and supported with a content support portion when conformed into a viewing configuration (see Figures 1, 2, and 3 and page 2, lines 22-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have include the stereoscopic viewer of Bierstadt be configured to enable interocular adjustment, including left and right viewpoint lens arrangements, the adjustable lens arrangements configured to enable interpupillary alignment relative to the stereoscopic content positioned and supported with a content support portion when conformed into a viewing configuration as Stevens suggests in order to ensure binocular combination of the picture and to prevent the muscles of the eyes from being strained (page 2, lines 26-28; Stevens). The combination does not disclose the stereoscopic viewer including adjustable occluding apertures configured to enable right stereographic content to be occluded from the left eye viewpoint and left stereographic content to be occluded from the right eye viewpoint. Huber et al. discloses a stereoscopic viewer including adjustable occluding apertures configured to enable right stereographic content to be occluded from the left eye viewpoint and left stereographic content to be occluded from the right eye viewpoint (15, 16, Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the stereoscopic viewer of the combination include

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adjustable occluding apertures configured to enable right stereographic content to be occluded from the left eye viewpoint and left stereographic content to be occluded from the right eye viewpoint as Huber et al. suggests in order to enhance the stereoscopic effect of the viewer.

Regarding claim 2, Bierstadt in view of Stevens and Huber et al. discloses that the content support portion is configured to position and support an axis to enable a plurality of pages to be pivotable, the axis being parallel to an axis common to the left and right lenses of the viewer, the pages provided with stereographic content that is viewable with the viewer when conformed into a viewing configuration (see Figure 2 and page 1, line 14-19; Bierstadt).

Regarding claim 3, Bierstadt in view of Stevens and Huber et al. discloses that the content support portion is configured to position and support the page axis and the plurality of pages provided with stereographic content, to thereby enable two pivotally exposed pages, which are adjacent to and opposite each other and disposed one on each side of the page axis, to be viewable with the viewer when conformed into a viewing configuration (see Figure 2; Bierstadt).

Regarding claim 4, Bierstadt in view of Stevens and Huber et al. discloses that the content support portion includes a pivotable page support surface with at least one pivotable axis parallel and generally adjacent to the page pivotal axis (see Figures 2 and 3; Bierstadt), the surface and axes configured to provide support and facilitate viewing of the pivotally exposed pages with the viewer when conformed into a viewing configuration (see Figure 2; Bierstadt).

Regarding claims 11 and 12, the combination discloses the claimed invention as described above except for the adjustable left and right lenses being functionally integrated with

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the left and right occluding apertures, respectively, so that adjustment of the lenses determines a corresponding adjustment of the occluding apertures; the function of adjustment being characterized by synchronized equidistant movement of the left and right lenses and respective occluding apertures towards or away from each other. Huber et al. discloses adjustable left and right lenses being functionally integrated with left and right occluding apertures, respectively (13, 14, 15, 16, Figure 1 and page 1, lines 35-45), so that adjustment of the lenses determines a corresponding adjustment of the occluding apertures (see Figure 2); the function of adjustment characterized by synchronized equidistant movement of the left and right lenses and respective occluding apertures towards or away from each other (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the adjustable left and right lenses of the combination be functionally integrated with the left and right occluding apertures, respectively, as Huber et al. suggests in order to hold the lenses and occluding apertures in proper alignment with each other (page 1, lines 48-49; Huber et al.).

Regarding claim 15, Bierstadt in view of Stevens and Huber et al. discloses that the content support portion, stereoscopic viewer and the viewer pivotal chassis are pivotally conformable into a storage configuration that interposes the lenses of the stereoscopic viewer in a shielded position between the viewer pivotal chassis and the content support section (see Figures 2 and 3; Bierstadt).

Regarding claim 17, Bierstadt in view of discloses that the positioned stereographic content is configured to convey to the user of the stereoscopic viewer a visual field of view,

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including left and right peripheral fields of two-dimensional perception interposed by a central binocular stereo field of three-dimensional perception (see Figure 1; Bierstadt).

9. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. as applied to claims 1, 2, 3, 4, 11, 12, 15, and 17 above, and further in view of Curtin.

Regarding claim 6, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention except for the plurality of pages being configured with transparent sleeves to enable photographic media, including stereographic prints, to be positioned and thereby viewable with the viewer when conformed into a viewing configuration. Curtin discloses a page configured with transparent sleeves to enable photographic media, including stereographic print, to be positioned and thereby viewable with the viewer when conformed into a viewing configuration (88, 90, Figure 15). It would have been obvious to one of ordinary skill in the art the invention was made to have the plurality of pages of Bierstadt in view of Stevens and Huber et al. be configured with transparent sleeves to enable photographic media, including stereographic print, to be positioned and thereby viewable with the viewer when conformed into a viewing configuration as Curtin suggests in order to allow a viewer to customize the stereographic device according to the viewer's taste.

Regarding claim 8, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention was described above except for the content support portion consisting of a planar surface provided with stereographic content. Curtin discloses a support portion consisting of a

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planar surface provided with stereographic content (24a, Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion of Bierstadt in view of Stevens and Huber et al. consist of a planar surface provided with stereographic content as Curtin suggests in order to allow the stereographic device take the form of a postcard (column 1, lines 62-63; Curtin).

10. Claims 7, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. as applied to claims 1, 2, 3, 4, 11, 12, 15, and 17 above, and further in view of Tinker et al.

Regarding claim 7, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention as described above except for the content support portion being configured to position, support, and releasably engage at least one sheet provided with stereographic content. Tinker et al. discloses a content support portion that is configured to position, support, and releasably engage at least one sheet provided with stereographic content (46, Figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion of Bierstadt in view of Stevens and Huber et al. be configured to position, support, and releasably engage at least one sheet provided with stereographic content as Tinker et al. suggests in order to allow a viewer to customize the stereographic device according to the viewer's taste.

Regarding claims 9 and 20, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention except for the content support portion being configured with a sleeve to

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slidably receive and thereby position and support a releasably attachable content packet consisting of a plurality of pages configured to be pivotable about an axis, the sleeve enabling the page axis to be positioned parallel to an axis common to the left and right lenses of the viewer, so that the stereographic content provided with the pages is viewable with the viewer when conformed into a viewing configuration. Tinker et al. discloses a content support portion that is configured with a sleeve (46, Figure 5) to slidably receive and thereby position and support a releasably attachable content packet consisting of a plurality of pages configured to be pivotable about an axis (48, Figure 5), the sleeve enabling the page axis to be positioned parallel to an axis common to the left and right lenses of the viewer, so that the stereographic content provided with the pages is viewable with the viewer when conformed into a viewing configuration (see Figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion of Bierstadt in view of Stevens and Huber et al. be configured with a sleeve as Tinker et al. suggests in order to allow the stereographic device be used with more than one content packet.

11. Claims 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. further in view of Tinker et al. as applied to claims 7, 9, and 20 above, and further in view of Curtin.

Regarding claims 18, 19, and 21, Bierstadt in view of Stevens and Huber et al. further in view of Tinker et al. discloses the claimed invention as described above except for the plurality of pages of the releasably attachable content packet are configured with transparent sleeves to

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position photographic media, including stereographic prints. Curtin discloses a page configured with transparent sleeves to enable photographic media, including stereographic print, to be positioned and thereby viewable with the viewer when conformed into a viewing configuration (88, 90, Figure 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the plurality of pages of the releasably attachable content packet of Bierstadt in view of Stevens and Huber et al. further in view of Tinker et al. be configured with transparent sleeves to position photographic media, including stereographic prints as Curtin suggests in order to allow a viewer to customize the stereographic device according to the viewer's taste.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. as applied to claims 1, 2, 3, 4, 11, 12, 15, and 17 above, and further in view of Merrick.

Regarding claim 13, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention except for the synchronized equidistant movement of the left and right lenses and respective occluding apertures towards or away from each other is enabled with a pivotal arm positioned by a fulcrum, one end of the arm being pivotally coupled to the left lens and occluding aperture, the other end of the pivotal arm being pivotally coupled to the right lens and occluding aperture. Merrick discloses a synchronized equidistant movement of left and right lenses towards or away from each other that is enabled with a pivotal arm positioned by a fulcrum (40, 41, Figure 3), one end of the arm being pivotally coupled to the left lens and the other end of

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the pivotal arm being pivotally coupled to the right lens (see Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the synchronized equidistant movement of the left and right lenses and respective occluding apertures towards or away from each other of Bierstadt in view of Stevens and Huber et al. be enabled with a pivotal arm as Merrick suggests in order to keep the stereographic device simple (column 1, lines 51-55; Merrick).

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. as applied to claims 1, 2, 3, 4, 11, 12, 15, and 17 above, and further in view of Rochwite.

Regarding claim 14, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention as described above except for the synchronized equidistant movement of the left and right lenses and respective occluding apertures toward or away from each other is enabled by rotational movement of a pinion gear meshed with two opposing linear gears, one of the linear gears being functionally coupled to the left lens and occluding aperture, the other linear gear being functionally coupled to the right lens and occluding aperture. Rochwite discloses a synchronized equidistant movement of left and right lenses toward or away from each other that is enabled by rotational movement of a pinion gear (73, Figure 16) meshed with two opposing linear gears (73, Figure 16), each of which slide on a line parallel to an axis common to the left and right lenses (see Figure 16), one of the linear gears being functionally coupled to the left lens and the other linear gear being functionally coupled to the right lens (73, 69, Figure 16). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to enable the synchronized equidistant movement of the left and right lenses and respective occluding apertures of Bierstadt in view of Stevens and Huber et al. by rotational movement of a pinion gear meshed with two linear gears as Rochwite suggests in order to make the stereographic device compact and the adjustment of the lens arrangements easier (column 1, lines 20-21; Rochwite).

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bierstadt in view of Stevens and Huber et al. as applied to claims 1, 2, 3, 4, 11, 12, 15, and 17 above, and further in view of Jones ('280).

Regarding claim 16, Bierstadt in view of Stevens and Huber et al. discloses the claimed invention as described above except for the content support portion, the stereoscopic viewer, and the viewer pivotal chassis being maintained in the storage configuration with releasable fasteners. Jones discloses a content support portion, a stereoscopic viewer, and a viewer pivotal chassis that is maintained in a storage configuration with releasable fasteners (see Figure 2 and column 4, lines 51-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the content support portion, the stereoscopic viewer, and the viewer pivotal chassis of Bierstadt in view of Stevens and Huber et al. be maintained in the storage configuration with releasable fasteners as Jones discloses in order to keep the stereoscopic viewer shielded and away from the elements.

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Allowable Subject Matter

15. Claims 5 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 is allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the plurality of pivotable pages, each having first and second opposite surfaces provided with stereoscopic content, the upright direction of the content oriented towards the pivotal axis of the pages, the axis and pages configured for releasable attachment to the content support portion so that the upright content of the first surfaces can be oriented, positioned, viewed with the viewer, released, reoriented and repositioned to enable the upright content of the opposite second surfaces to be viewable with the viewer.

Claim 10 is allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the adjustable left and right lenses being configured to enable independent adjustment relative to the adjustable left and right occluding apertures.

Conclusion

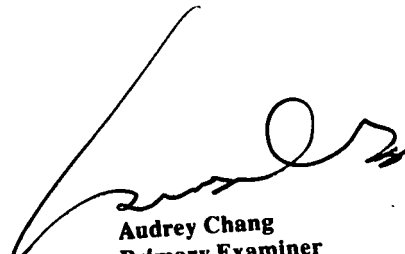
17. Any inquiry concerning the merits of this communication or earlier communications from the examiner should be directed to Jennifer Winstedt whose telephone number is (703) 305-0577. The fax number for the Group is (703) 308-7722 or 7724.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

JW

August 28, 2000



**Audrey Chang
Primary Examiner
Technology Center 2800**